

# Exhibit 6

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**F I L E D**  
 Clerk of the Superior Court

DEC 30 2008

By: P. WOODS, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 FOR THE COUNTY OF SAN DIEGO

11 SIXUVUS, Ltd., a New York limited liability  
 company,  
 12 Plaintiff,  
 13 v.  
 14 VICTOR WILLIS, an individual.  
 15 Defendant.

Case No. 37-2008-98508-CU-BT-CTL

**DECLARATION OF MITCHELL WEISS  
 IN SUPPORT OF PLAINTIFF'S EX  
 PARTE APPLICATION FOR  
 TEMPORARY RESTRAINING ORDER  
 AND ORDER TO SHOW CAUSE RE:  
 PRELIMINARY INJUNCTION**

Date: December 31, 2008  
 Time: 9:00 a.m.  
 Judge: Hon. Ronald L. Slyn  
 Dept.: 62

18 I, MITCH WEISS, declare and state as follows:

- 19 1. I am the manager of Sixuvus, Ltd. ("Sixuvus") and have been so on and off since 1988.  
 20 I have personal knowledge of the matters set forth herein and, if called as a witness, could and would  
 21 testify competently to the following.  
 22 2. Sixuvus is a New York corporation with its principal place of business located at 330  
 23 West 38th Street, Suite 309, New York, New York 10018.  
 24 3. A company called Can't Stop Productions, Inc. ("CSP") formed the Village People in  
 25 the late 1970s by recruiting performers to perform as members from various American social and  
 26 professional groups. The initial contract performers in the Village People were Felipe Rose (Native  
 27 American), Alex Briley (Soldier), David Hodo (Construction Worker), Victor Willis (Cop), Randy  
 28 Jones (Cowboy), and Glenn Hughes (Biker). Victor Willis performed with the group for only two

1 years. His relationship with the Village People ended in 1979 when he was replaced by Ray Simpson.  
2 Randy Jones left the group in 1980, and was replaced by Jeff Olson. Glenn Hughes died in 2000, and  
3 was replaced by Eric Anzalone.

4 4. In 1987, the Village People members, excluding Victor Willis, formed Sixuvus to  
5 manage the business affairs of the Village People members. Since that time and continuing to the  
6 present time, the Village People have performed, and continue to perform, nationally and  
7 internationally without Victor Willis. Sixuvus is licensed by CSP to use the Village People name and  
8 characters in live performances in the United States and throughout the world.

9 5. Beginning in September 2008, Victor Willis, after having had no involvement  
10 whatsoever with the Village People for nearly three decades, launched a campaign to intentionally  
11 interfere with Sixuvus' business and business relationships.

12 6. This campaign has involved Victor Willis engaging in acts of physical intimidation  
13 against the various performers of the Village People and casting unfounded aspersions on the  
14 legitimacy of the performers retained by Sixuvus to perform as the Village People.

15 7. On September 12, 2008, at a ceremony held by the Hollywood Chamber of Commerce  
16 to honor the Village People with a Star on the Walk of Fame, Victor Willis appeared dressed as the  
17 iconic cop character. He used a boombox to blare music featuring his vocals, advertised himself as  
18 the "original lead singer," and carried a realistic gun (which turned out to be a pellet gun after Los  
19 Angeles Police Department officers noticed the gun and removed it from his person). His attempt to  
20 interject himself into the award ceremony by approaching the podium was thwarted by security,  
21 including members of the LAPD.

22 8. On October 16, 2008, Karen Willis, Victor Willis' wife, left three voicemail messages  
23 on my cell phone. In the first voicemail message, Karen Willis stated "there's another multi-million  
24 civil action that a team of lawyers are getting ready to file against Sixuvus for intentional infliction of  
25 emotional distress against Victor." I interpreted Karen Willis's threat of this alleged lawsuit as an  
26 attempt to harm Sixuvus' ability to perform as the Village People. A true and correct transcript of this  
27 message is attached hereto as Exhibit A.

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1           9.     In the second voicemail message, Karen Willis threatened to interrupt future  
2 performances by the Village People by attempting to serve them with a lawsuit while they are  
3 performing on stage. A true and correct transcript of this message is attached hereto as Exhibit B.

4           10.    In the third voicemail message, Karen Willis made additional threats of disrupting  
5 Sixuvus's business affairs and stated that "Sixuvus had better enjoy this last year as the six Village  
6 People on that stage. . . . I guarantee you this will be your last year faking it on stage, performing the  
7 songs that you had nothing to do with. . . . I guarantee you Mitch this shall be the last year that you  
8 guys perform there like you are doing. My husband will be back on that stage next year. You can  
9 count on it." A true and correct transcript of this message is attached hereto as Exhibit C.

10          11.    In November 2008, Victor Willis, through a letter faxed by Karen Willis, threatened  
11 Sixuvus by stating that he had "every intention of drying up your [the Village People] shows." A true  
12 and correct copy of this November 2008 letter is attached hereto as Exhibit D.

13          12.    To implement this threat, that same month, Victor Willis, through Karen Willis (who  
14 claims to hold a Juris Doctor degree and thus acts on behalf of Victor Willis) sent a very disturbing  
15 letter to various concert promoters, television networks, radio stations, and several of Sixuvus'  
16 business partners falsely stating that Sixuvus fraudulently deceived the public by presenting  
17 "inauthentic" performers as the Village People and "cashing-in" on Victor Willis' alleged success.  
18 The letter threatened "swift legal action" against not only Sixuvus, but the William Morris Agency  
19 (the talent agency which represents Sixuvus) and the referenced concert promoters, television  
20 networks, radio stations, and business partners if these individuals and entities continued to do  
21 business with Sixuvus. A true and correct copy of this November 10, 2008 letter is attached hereto as  
22 Exhibit E.

23          13.    In recent weeks, the threats have escalated, including a threat to interrupt stage  
24 performances by the Village People by serving them with legal papers.

25          14.    In my experience in the entertainment industry, letters such as Karen Willis' to concert  
26 promoters, booking agents, and talent agents have a significant chilling effect on the ability of  
27 performers to book shows because promoters and agents would rather avoid lawsuits. It will be very  
28 difficult to fully understand the complete negative effects Karen Willis' November 10, 2008 letter

1 will have on Sixuvus's business. Sixuvus is usually not informed that a concert promoter or talent  
2 buyer has elected not to book their services. Sixuvus, therefore, may never know how many  
3 performances were not booked as a result of Karen Willis's letter.

4 15. I have seen a tremendous slow-down in the Village People's bookings since Karen  
5 Willis sent the November 10, 2008 letter. For instance, at this time last year (*i.e.* 2007), the Village  
6 People had *seventeen shows* booked for the first quarter of 2008. As of today, the Village People have  
7 only *four shows* booked for the first quarter of 2009.

8 16. The Village People currently are scheduled to perform in San Diego County on January  
9 9, 2009. As a result of the conduct described herein, I am very concerned that the show go on as  
10 planned without continued interference by Victor Willis with Sixuvus' business and business  
11 relationships. It is vital that the Court prevent Victor Willis from unlawfully disrupting that  
12 performance.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
14 true and correct and that this declaration was executed on this 29<sup>th</sup> day of December 2008 at New  
15 York, New York.

16   
17 Mitch Weiss

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